



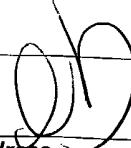
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/002,171 | 12/05/2001 | Hiroshi Yoshida | 0171-0802P-SP | 2257 |
| 2292 | 7590 | 08/18/2004 | | EXAMINER |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | WEINER, LAURA S | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1745 | |

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|--|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/002,171 | YOSHIDA ET AL.  |
| | Examiner | Art Unit |
| | Laura S Weiner | 1745 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 July 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,9,14 and 15 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,6 and 10-13 is/are rejected.
- 7) Claim(s) 7 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 12-01; 12-03.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-10 in the reply filed on 7-8-04 is acknowledged. The traversal is on the ground(s) that examination of the entire application would not be a serious burden. This is not found persuasive because the polymer electrolyte in Group I, needs to be searched in class 252 and searching for Group II would be in class 300 and searching for Group III would be in class 36. Group II and Group III are unrelated and require a restriction because Group II drawn to a battery which is a device used for generating an electric current by chemical reaction versus Invention III is drawn to a capacitor which is used to store a charge temporarily. In addition, the battery claims of Group II require a negative electrode comprising lithium, lithium alloy or carbon and a positive electrode comprising an electrically conductive polymer, a metal oxide, a metal sulfide or a carbonaceous material versus Group III which requires polarizable electrodes containing activated carbon. After final reconsideration, Group II, claims 11-13, drawn to a battery have been rejoined back with Group I because the secondary battery comprises the polymer gel electrolyte of Group I.

The requirement is still deemed proper and is therefore made FINAL.

Claims 14-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 7-8-

04. Applicants chose the species where the plasticizer is defined having $R1=R2=C2H5$; $R3=C2H4$, $m=1$, $k=0$, $n=0$ and $p=1$. In addition, claims 4-5, 9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

Claim Objections

2. Claim 7 is objected to under 37 CFR 1.75(c) as being in improper form because a single claim cannot depend on two claims. See MPEP § 608.01(n). Accordingly, the claim 7 has not been further treated on the merits.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6, 8, 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ventura et al. (6,015,638).

Ventura et al. teaches in columns 15-16, Example 1, a plasticizer/high dielectric constant solvent having the formula $CH_3CH_2-O-(CO)-O-CH_2CH_2-O-(CO)-O-CH_2CH_3$. Ventura et al. teaches in column 16-17, Example 3, that a typical electrolyte formulation contained 10-25% polymer (PVDF), 10-15% lithium salt and 67-75

plasticizer/high dielectric constant solvent solution. Ventura et al. teaches in column 2, lines 29-45, that single-ion conducting electrolytes such as poly(ethylene oxide)-polyelectrolyte blends consisting of PEO mixed with acrylate polymer have been used. Ventura et al. teaches in column 6, lines 55-60, a battery comprising an anode having LixC6, an SPE and a cathode have LiCoO2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura S Weiner whose telephone number is 571-272-1294. The examiner can normally be reached on M-F (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Laura S Weiner
Primary Examiner
Art Unit 1745

August 12, 2004